IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.14681 of 2002

WEDNESDAY, THE TWENTY FIFTH DAY OF JULY TWO THOUSAND AND SEVEN

Between:

Smt. M. Vinathi, W/o. Dr. M. Ramulu,
Aged about 41 years, Occ: Household,
R/o. Hyderabad.

… Petitioner

And

The Commissioner, Municipal Corporation of Hyderabad, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondents in issuing Notice No.45 dated 05-08-2002 to the petitioner as arbitrary and illegal.

2. Petitioner claims to be the owner and possessor of house bearing No.12-13-677/38 at Keemti Colony, Tarnaka, Secunderabad. It is stated that permission was obtained in the year 1988 for

construction of ground floor and later permission was obtained for construction of first floor also. The grievance of the petitioner is that though she has been paying taxes regularly and obtained permission for construction, respondents have issued the impugned notice under Section 452 of the Hyderabad Municipal Corporation Act, 1955 for demolition on the premise that construction done by her is unauthorized.

3. This court, while admitting the writ petition, by order dated 09-08-2002, directed the respondents to consider the representation of the petitioner dated 08-08-2002 and further directed that respondents shall not demolish the structures raised by the petitioner. Even though the writ petition is of the year 2002, no counter affidavit has been filed by the respondents and the interim order of this court has been continuing all along.

4. Learned counsel for the petitioner submits that he has no instructions whether the Municipality has passed any orders pursuant to the interim order of this court referred above.

5. As much as it is the case of the petitioner that she has applied for permission to construct first floor also and the same is not controverted by filing any counter affidavit, I dispose of the writ petition permitting the petitioner to submit a fresh application for approval of the plan for the construction of first floor, within a period of four weeks from the date of receipt of this order. On such application being filed, respondents shall consider the same and pass appropriate orders for approval of the plan, if not already approved by this time. Till appropriate orders are passed, respondents shall not take any further steps for demolition. No order as to costs.

_____

JUSTICE R. SUBHASH REDDY.

July 25, 2007
MRR